

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 22-5220-KS Date: February 28, 2024

Title *Selina Turkes et al. v. BMW of North America, LLC*

Present: The Honorable: Karen L. Stevenson, Chief United States Magistrate Judge

Gay Roberson
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Plaintiff(s): N/A

Attorneys Present for Defendant(s): N/A

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DEFENDANT BMW OF NORTH AMERICA, LLC’S FAILURE TO OPPOSE PLAINTIFFS’ MOTION FOR ATTORNEY FEES [DKT. NO. 56]

On November 15, 2023, the Court approved a settlement in principle between the parties to this case. (Dkt. No. 54.) At that time, the parties requested that all pretrial and trial dates be vacated, and the Court ordered the parties to file dispositional documents on or before December 14, 2023. (*Id.*) On December 14, 2023, Plaintiffs filed a status report explaining that the parties were still working on a settlement but required more time to do so. (Dkt. No. 55.)

On February 6, 2024, Plaintiffs filed a Notice of Motion and Motion for Attorney Fees “as the prevailing party pursuant to the terms of a settlement agreement reached in principle on or around November 8, 2023, and executed by Plaintiffs on January 9, 2024” (“Motion”). (Dkt. No. 56 at 2.) Plaintiffs noticed a hearing on the Motion for Wednesday, March 13, 2024. (*Id.* at 1.)

On February 27, 2024, no opposition having been filed by Defendant BMW of North America, LLC, Plaintiffs filed a Notice of Non-Opposition to Plaintiff’s Motion and requested that the Court, pursuant to Local Civil Rules 7-9 and 7-12, grant the Motion in full in the amount of \$111,449.95. (Dkt. No. 57 at 2.)

As Plaintiffs point out, under Local Rule 7-9, Defendant’s opposition to the Motion was due on or before February 21, 2024 – 21 days before March 13, 2024, the date noticed for the hearing on the Motion. C.D. Cal. L.R. 7-9. To date, no opposition has been filed.

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In light of the foregoing, the Court **Orders Defendant to Show Cause**, on or before March 13, 2024, why the Court should not deem Defendant to have consented to the granting of the motion and grant the motion in its entirety. *See* C.D. Cal. L.R. 7-12 (“The failure to file any required document, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion, . . .”).

Defendant can discharge this Order to Show Cause by filing by filing an opposition to the Motion on or before March 13, 2024, or a request for an extension of time to oppose the Motion accompanied by a declaration of counsel, signed under penalty of perjury, showing good cause for the failure to file a timely opposition.

The currently-scheduled hearing of March 13, 2024 is **VACATED**. In the event Defendant files an opposition to the Motion in compliance with this Order to Show Cause, the Federal Rules of Civil Procedure, and this Court’s Local Rules, the Court will reschedule the hearing.

Failure to respond to this Order to Show Cause will result in the Court granting Plaintiff’s Motion for Attorneys’ Fees.

IT IS SO ORDERED.

Initials of Preparer

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